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14
15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**



18 **UNITED STATES OF AMERICA,**

19 **Plaintiff,**

20 **vs.**

21 **ALEX P. SORIA,**

22 **Defendant.**

23 **2:11-cr-00156-LDG-NJK**

24 **UNITED STATES' MOTION**
25 **TO AMEND JUDGMENT**

26 The United States, by and through the undersigned, respectfully moves the
27 Court, pursuant to Federal Rule of Criminal Procedure 36, to amend the Judgment in the above-
28 captioned matter due to clerical error.

On December 11, 2012, the Court sentenced the defendant to thirty-seven (37) months
confinement, three (3) years supervised release with special conditions, a \$200 assessment, and
restitution in the amount of \$320,266.70 (Doc. No. 132). A copy of the Judgment is appended
hereto as Exhibit A.

At the time of sentencing, the United States moved the Court to append to the

1 judgment a "Restitution List," which listed the proposed recipients of restitution and loss amounts.
2 However, the list of victims was not included with the judgment. A copy of the Restitution List is
3 appended hereto as Exhibit B, which accurately reflects the United States' calculation for each
4 restitution recipient.

5 Thus, the United States is respectfully requesting that the Court:

6 (1) append the Restitution list to the Judgment.

7 The United States believes this was simply a clerical error that the Court has discretion to
8 correct pursuant to Rule 36.

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11 Respectfully Submitted,
12 DANIEL G. BOGDEN
United States Attorney

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14 
DENIS J. McINERNEY

15 Chief
16 U.S. Department of Justice
17 Criminal Division, Fraud Section
BRIAN YOUNG
MARY ANN McCARTHY
Trial Attorneys

18
19 ORDER

20
21 IT IS SO ORDERED.

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27 DATED:

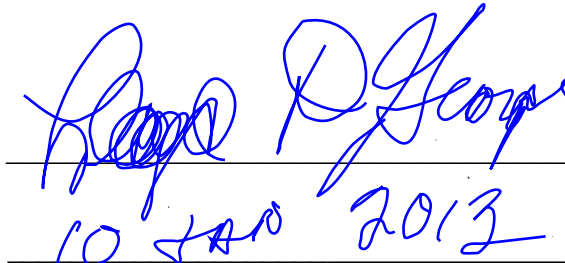

10 Jan 2013

EXHIBIT A

AO 245B

(Rev. 09/11) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

ALEX P. SORIA

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:11-CR-00156-LDG-RJJ

USM Number: 45858-048

Michael Sanft, CJA

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 3, and 11 of Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1343 and 2	Wire Fraud and Aiding and Abetting	1/2010	3
18 USC § 641	Theft of Government Funds	1/2010	11

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/11/2012

Date of Imposition of Judgment

Signature of Judge

LLOYD D. GEORGE, UNITED STATES DISTRICT JUDGE

Name and Title of Judge

Date

3 Jan 2013

DEFENDANT: ALEX P. SORIA
CASE NUMBER: 2:11-CR-00156-LDG-RJJ**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

37 MONTHS as to Counts Three and Eleven, each Count to run concurrently one with the other.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends FCI Terminal Island with Medical Facility

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ALEX P. SORIA

CASE NUMBER: 2:11-CR-00156-LDG-RJJ

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

THREE (3) YEARS

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ALEX P. SORIA

CASE NUMBER: 2:11-CR-00156-LDG-RJJ

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. The defendant shall submit your person, property, residence, place of business and vehicle under your control to a search, conducted by the United States probation officer or any authorized person under the immediate and personal supervision of the probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision; failure to submit to a search may be grounds for revocation; the defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.
3. The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
4. The defendant shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
5. The defendant shall be restricted from engaging in employment, consulting, or any association with any *Consulting Mortgage, Loans business for a period of six months.
6. The defendant shall submit to polygraph testing as directed by the probation officer to insure compliance with your financial condition.
7. The defendant shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

Note: A written copy of the conditions of release was provided to the Defendant by the Probation Officer in open Court at the time of sentencing.

DEFENDANT: ALEX P. SORIA

CASE NUMBER: 2:11-CR-00156-LDG-RJJ

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$ WAIVED	\$ 320,266.70

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the U.S. District Court		\$320,266.70	10%

TOTALS	\$ _____	0.00	\$ _____	320,266.70
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☒ Restitution amount ordered pursuant to plea agreement \$ 320,266.70

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ALEX P. SORIA
CASE NUMBER: 2:11-CR-00156-LDG-RJJ

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ 320,266.70 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
10% of Gross Income

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT B

Victim Last Name	Victim First Name	Loss Amount
Abad	Alejandrito	\$1,950.00
Abello	Sergio & Amelia	\$565.00
Abubakar	Eileen	\$665.00
Aguilar	Alcia	\$450.00
Aki	Marion	\$950.00
Aleje-Merene	Mavdelis	\$1,250.00
Almogela	Segundo Laya	\$5,500.00
Alton	Rosemarie	\$830.00
Amezcu	Dainel	\$850.00
Anderson	Brian	\$950.00
Aranas	Wilfred	\$610.00
Arrington	Anthony	\$565.00
Biju	Biji Thomas & Jissy	\$665.00
Billings	Craig	\$500.00
Bork	Marcianita	\$100.00
Boylan	Scott	\$830.00
Cabillo	Crispulo	\$565.00
Cabuslay	Rodrigo & Nelly	\$500.00
Cachola	Yolanda	\$1,330.00
Chiang	Nemia Trabadillo & Jonson	\$1,460.00
Chinn	Brian	\$950.00
Cipriano	Amelia	\$1,450.00
Coe	Ashley	\$1,250.00
Coleman	T L	\$850.00
Conner	Julius	\$850.00
Cooley	Judge	\$1,250.00
Cordero	Vince & Ruby	\$830.00
Coronel	Catalina	\$950.00
DBA La Formiga janitorial Services	Attn: Antonio Rangel	\$800.00
Datoc	Michael & Alice	\$850.00
De La Cruz	Concepcion	\$830.00
De Santiago Medina	Isidro	\$1,250.00
Deng	Jin & Pei	\$1,965.00
Deulla	Gabriel Iara & Alicia	\$1,250.00
Dipalma Jr.	Andrew	\$950.00
Elder	Donna	\$950.00
Faneuf, Jr.	Manuel Matinez & Earl	\$1,950.00
Fauria Jr.	Arnold	\$950.00
Feliciano	Amante	
Flores	Leilani & Rolando	\$830.00
Foresta	Michael & Lynda	\$1,250.00
Frank	Lee & Kim	\$1,250.00
Frcho	John	\$450.00
Galvan	Arthur & Jennifer	\$1,450.00
Gamboa	Saul & Maria	\$850.00
Gamoa	Leo	\$1,450.00

Gannon	Rocky	\$665.00
Garcia	Bacilia	\$1,250.00
Garcia	Bonnie	
Goco	Jocelyn	\$1,000.00
Gonzales	Norma	\$150.00
Gonzalez	Jose	\$1,000.00
Guevara	Zonia	\$950.00
Hale	Brad	\$1,250.00
Harvey	Erwin	\$850.00
Hernandez	P.A.	\$1,130.00
Hipolito	Arielito & Myra	\$830.00
Isagawa	Gordon	\$950.00
Julamon	Pedro & Anamaria	\$1,450.00
Lagaras Jr.	Paterno	\$1,250.00
Legaspi	Jessica Logan & Ruan Justin	\$865.00
Lemus	Jose	\$850.00
Lequidlequid	Bebiano C. & Francisca	\$125.00
Lizada	Paraluman	\$1,000.00
Loja	Florentino & Pod Elizabeth	\$710.00
Lopez	Lidia	\$850.00
Loria	Marly & Irwin	\$1,750.00
Luxaponl	M	\$1,750.00
Maynard	Nicolas & Jurezza	\$860.00
Mickel	Robert	\$1,000.00
Mosley	Larry & Cynthia	\$1,200.00
Moxley	Virginia	\$850.00
Nalabolu	Rajasimha	\$450.00
Newton	Betty & David	
Onattu	Jollyanna	\$1,450.00
Ortiz, Jr.	Prudencio	\$830.00
Padernilla	Godfred	\$830.00
Pagulayan	Orlando-Felix & Elizabeth	\$1,450.00
Pascual	Manuel, Eileen & Luzviminda	\$1,450.00
Patrick	Kevin	\$1,450.00
Pena	Manual & Mirna	\$1,450.00
Penà	Sean	\$830.00
Powers	Nicolas	\$1,250.00
Preciado	Jacqueline	\$1,250.00
Que	Sheila & Dennis	\$720.00
Quiray	Patrick & Aida	\$1,250.00
Rabara	Stella & Renato	\$950.00
Raquel	Ruben	\$1,450.00
Rattanopas	Nenita	\$830.00
Ricci	Cody & Marcelle	\$830.00
Ruan Justin	Jessica Logan &	
Saenz	Yolanda	\$950.00
Sanchez	Gelver & Edna	\$950.00

Sanchez	Victor	\$850.00
Saucedo	Guillermo	\$1,000.00
Sicam	Ross & Emma	\$1,750.00
Simpliciano	Bayani & Maria Victoria	\$1,950.00
Sisnorio	Bernadette	\$820.00
Smadi	Susan	\$1,250.00
Snyder	Bill	\$1,500.00
Social Security Administration	Debt Management Section	\$208,106.70
Staden	Laverne & Ronald	\$950.00
Tatikonda	Pavana Kumari	\$1,450.00
Thompson	Robert & Aurelia	\$950.00
Vazquez	Maria	\$450.00
Villones	Israel & antoniette	\$565.00
Webster	Lamar	
Welcom	Taffie & James	\$1,250.00
Windrow	Sylvester	\$830.00
Zavala	Ricardo	\$1,450.00
Zelaya	Jose	\$1,250.00
		\$320,266.70